

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, FEBRUARY 26 19 80

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS TUESDAY EVENING FEBRUARY 26 A.D., 19 80,
IN REGULAR SESSION. PRESIDENT VIVIAN G. SCHMIDT
IN THE CHAIR, AND CHARLES W. WESTERMAN CLERK, AT THE DESK,
PRESENT THE FOLLOWING MEMBERS VIZ:
BURNS ✓, EISBART ✓, GIAQUINTA ✓,
NUCKOLS ✓, SCHMIDT, D. ✓, SCHMIDT, V. ✓,
SCHOMBURG ✓, STIER ✓, TALARICO ✓,
ABSENT _____
COUNCILMAN _____, _____, _____,
_____, _____, _____

THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19 _____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR FEBRUARY 12, 19 80,
_____, 19 _____.
SPECIAL _____, 19 _____.
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

February 19, 1980

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, February 19, 1980, I have approved the following ordinances passed by the Common Council at its regular meeting of February 12, 1980.

(Bill No. S-80-01-28)
(AS AMENDED)

SPECIAL ORDINANCE NO. S-09-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (PAYLESS CASHWAYS, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-80-01-29)

SPECIAL ORDINANCE NO. S-10-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (VIRGIL C. BROCKMANN, TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 1, 1980 AN AS ABOITE ADAMS TRUST NO. 101)" AN APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-80-01-23)

(AS AMENDED)

SPECIAL ORDINANCE NO. S-12-80

AN ORDINANCE AUTHORIZING A SURCHARGE ON TAXICAB FARES IN THE CITY OF FORT WAYNE, INDIANA

(Bill No. R-80-02-02)
RESOLUTION NO. R-13-80

A RESOLUTION authorizing payment to various agencies for the purchase of repair parts

(Bill No. R-80-02-30)
RESOLUTION NO. R-14-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. G-79-05-12)
GENERAL ORDINANCE NO. G-03-80

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street

(Bill No. G-79-11-21)
GENERAL ORDINANCE NO. G-04-80

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of an alley in Rockhill Heir's Addition

(Bill No. G-79-11-22)
GENERAL ORDINANCE NO. G-05-80

AN ORDINANCE amending General Ordinance No. G-97 authorizing the vacation of a utility easement in Lake Forest Addition

(Bill No. S-80-01-27)
SPECIAL ORDINANCE NO. S-11-80

AN ORDINANCE approving Change Order No. 1, Street Improvement Resolution No. 5832-79, in connection with College Street Elevation repair - Hipskind Asphalt Corporation, contractor

(Bill No. X-80-01-20)
ANNEXATION ORDINANCE NO. X-01-80

AN ORDINANCE annexing certain territory, commonly known as Breconshire, to Fort Wayne, and including the same in Councilmanic District No. 4

(Bill No. R-80-01-21)
RESOLUTION NO. R-15-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Breconshire

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Win Moses, Jr.", written in a cursive style.

Win Moses, Jr.
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its REGULAR Session, held on TUESDAY the 26th day of FEBRUARY, 19 80 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 27th day of February, 19 80.

Charles W. Westerman
Charles W. Westerman
City Clerk

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, FEBRUARY 12, 1980

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening February 12, 1980, in the chair and Charles W. Westerman Clerk, at the desk, present the following members eight viz:

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg,
Stier, Talarico
Absent: One
V. Schmidt

The Invocation was given by Rabbi Aloof.

The minutes of the last regular January, 1980 Session and Special January 29, 1980 Session having been delivered to the Council, were, on motion, approved and published.

COMMUNICATIONS FROM THE MAYOR

January 23, 1980

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, January 23, 1980, I have approved the following ordinances passed by the Common Council at its regular meeting of January 22, 1980.

(Bill No. S-80-01-04)
SPECIAL ORDINANCE NO. S-03-80

AN ORDINANCE approving Change Orders No. 2 and 3, in connection with the Civic Center Parking Garage

(Bill No. S-80-01-09)
(AS AMENDED)
SPECIAL ORDINANCE NO. S-04-80

AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA AUTHORIZING THE ISSUANCE AND SALE OF REVENUE BONDS AND THE LOANING OF THE PROCEEDS DERIVED THEREFROM TO WOODBRIDGE APARTMENTS TO FINANCE THE COSTS OF CONSTRUCTION OF A COMMERCIAL FACILITY

(Bill No. R-80-01-01)
RESOLUTION NO. R-07-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$350,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-80-01-12)
(as amended)
RESOLUTION NO. R-08-80

A Resolution approving the filing of an application with the U. S. Department of Housing and Urban Development for an Urban Development Action Grant for the HWI office project

(Bill No. R-80-01-13)
RESOLUTION NO. R-09-80

A Resolution authorizing payments for repairs to certain damaged vehicles owned by the City of Fort Wayne, Indiana

(Bill No. R-80-01-26)
RESOLUTION NO. R-10-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$10,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-80-01-31)
RESOLUTION NO. R-12-80

Regarding Frank W. Heymen letter of January 22, 1980 - Appropriate sufficient funds to cover judgment (fifteen firefighters)

(Bill No. Z-79-11-13)
ZONING MAP ORDINANCE NO. Z-04-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-2

(Bill NO Z-79-11-16)
ZONING MAP ORDINANCE NO. Z-05-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46

(Bill No. Z-79-11-17)
ZONING MAP ORDINANCE NO. Z-06-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46

(Bill No. Z-79-11-18)
ZONING MAP ORDINANCE NO. Z-07-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46

(Bill No. Z-79-11-19)
ZONING MAP ORDINANCE NO. Z-08-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46

(Bill No. Z-79-11-50)
ZONING MAP ORDINANCE NO. Z-09-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-34

(Bill No. R-80-01-19)
RESOLUTION NO. R-11-80

A Resolution approving a proposed Housing Assistance project of the Fort Wayne Housing Authority

(Bill No. S-80-01-05)
SPECIAL ORDINANCE NO. S-05-80

AN ORDINANCE approving Change Order No. - Imp. Res. No. 5831-79,
Hobson-Lake Avenue

(Bill No. S-80-01-06)

(as amended)

SPECIAL ORDINANCE NO. S-06-80

AN ORDINANCE approving Change Order No. 1, Sewer Res. 304-78 - Covington-
Ardmore San. Sewer

(Bill No. S-80-01-07)

SPECIAL ORDINANCE NO. S-07-80

AN ORDINANCE approving City Utilities Purchase Orders Numbered 1630 and 1631
to Hefner Chevrolet, Inc. for vehicles for Meter Reading Department and
Customer Service Department

(Bill No. S-80-01-08)

SPECIAL ORDINANCE NO. S-08-80

AN ORDINANCE approving Agreement for the Purchase of a Sanitary Sewer Line
by the City of Fort Wayne from Leo-Cedarville Regional Sewer District

Respectfully yours,

Winfield C. Moses, Jr.
Mayor

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

29 January 1980

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on the
Recodification of the City of Fort Wayne Zoning Ordinance.

The proposed ordinance is designated as:

BILL NO. G-79-12-15

Respectfully submitted,

CITY PLAN COMMISSION
Joyce Schlatter
Secretary

Certified and signed this
29th day of January 1980.

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

29 January 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

The attached recodification received a DO PASS recommendation from the City Plan Commission at their meeting held January 28, 1980 with the following amendment.

Page 4. Section 3 - Definitions - Item (EE) Home Occupation

This item should read as follows:

"Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a Tea Room or Animal Hospital be considered as a Home Occupation."

If there are any questions with regard to this recodification of the Zoning Ordinance, please feel free to call on us.

Respectfully submitted,

Community Development and Planning
Gary F. Baeten
Senior Planner

COMMUNITY DEVELOPMENT AND PLANNING

COMMUNICATION FROM CITY PLAN COMMISSION

29 January 1980

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one

(1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

BILL NO. G-79-11-22

Respectfully submitted,

CITY PLAN COMMISSION

Joyce Schlatter
Secretary

Certified and signed this
30th day of January 1980

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

30 January 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) utility easement vacation acted upon by the City Plan Commission at their regular meeting held December 17, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-11-22
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. At the present time there is a 28 foot utility easement between Lake Forest and The Knolls. This vacation along with the future request for partial vacation of an easement in The Knolls will have an end result of a total easement of 14 feet.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

30 January 1980

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-79-11-15

Respectfully submitted,

CITY PLAN COMMISSION

Joyce Schlatter
Secretary

Certified and signed this
30th day of January 1980

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

30 January 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held January 28, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-79-11-15
2. From R-1 to R-3
3. Intended Use: Office for Antique Dealer
4. Plqn Commission REcommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The use of the property as an office for off-site Antique Sales is not warranted in light of the testimony supplied at the public hearing. The present zoning does not prohibit a portion of persons residence from being used, by that resident, to perform necessary administrative functions of an off-site business. The point that must be made is that only the resident can be involved in an office of this type and in addition nothing can be sold or stored in connection with a business at this location.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-11-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 21, 1980;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 28, 1980.

Joyce Schlatter
Secretary

Certified and signed this
30th day of January 1980

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

30 January 1980

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the vacation of a dedicated street.

The propsed ordinance is designated as:

BILL NO. G-79-11-21

Respectfully submitted,

CITY PLAN COMMISSION

Joyce Schlatter
Secretary

Certified and signed this
30th day of January 1980

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

30 January 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held December 17, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-11-21
2. Intended Use: Vacated right-of-way will be utilized by abutting property owners.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The vacation of one foot of this alley will eliminate the present building encroachment and at the same time not effect the traveled portion of the alley.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

30 January 1980

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the vacation of a portion of a dedicated street.

The proposed ordinance is designated as:

BILL NO. G-79-05-12

Respectfully submitted,

CITY PLAN COMMISSION

Joyce Schlatter
Secretary

Certified and signed this
30th day of January 1980

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

30 January 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held June 25, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-05-12
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS with condition.

This ordinance received a DO PASS recommendation for the following reason and with the following condition.

Reason: This right-of-way serves no public need.

Condition: All easement must be submitted and approved by Water Pollution Control Engineering prior to this request being forwarded to City Council.

NOTE: The easement has been received and a copy of the Grant of Easement is attached to the original ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

CITY PLAN COMMISSION

RESOLUTION

OF THE

CITY PLAN COMMISSION

The City Plan Commission of the City of Fort Wayne does hereby approve the proposed annexation of Breconshire, Annexation Bill No. X-80-01-20 and Resolution No. R-80-01-21, and recommends that X-80-01-20 and R-80-01-21 receive a DO PASS from the Common Council of the City of Fort Wayne.

Joyce Schlatter
Secretary

To: Members of the City Council

Date: 1-29-80

From: Paul Norby

Subject: Voluntary Annexation of Breconshire

At its January 28, 1980 business meeting the City Plan Commission recommended the passage of the Breconshire Annexation, X-80-01-21. This is a voluntary annexation petitioned for by all of the property owners located west of the City, east of Getz Road, north of Covington Road and south of Illinois Road. It includes 47.5 acres which are currently vacant. Several stages of residential development are planned, taking several years to complete.

Annexation at this time will allow for development using city standards, thereby avoiding potential future problems for the City. City utilities will be serving the area. Furthermore, the developer intends to follow County open space requirements which surpass those of the City. A fiscal plan has been prepared as required by R-56-79. It shows that the area can be served by the City and that revenues should exceed costs.

Please inform us of any public hearings or annexation committee discussions of this matter, so that we may attend to answer your questions.

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 6/80/E

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

William H. White.
Member - Board of Public Safety

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 6/80/E)

I hereby certify that I did this 24th day of January, 1980
deliver to each, the City Traffic Engineer, the Chief of Police, the
City Attorney, the City Clerk and the President of the Common Council
of the City of Fort Wayne, Indiana, respectively, a copy of the within
Regulatory Resolution No. 6/80/E of the Board of Public Safety of the
City of Fort Wayne, duly certified by me as Chairman of said Board,
in accordance with the provisions of Section 17-4 of Chapter 17, of
the Code of the City of Fort Wayne, Indiana 1974.

William H. White
Member - Board of Public Safety

REGULATORY RESOLUTION NO. 6/80/E

(Adopted January 24, 1980)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES 89/79/E: NO PARKING (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 24, 1980 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective January 24, 1980 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING(EMERGENCY)

West State Blvd. --south side--

from Tyler Ave. to the West
City Limits

ALLEN COUNTY ELECTION BOARD

February 12, 1980

Mr. Charles Westerman
City-Clerk
Room 124 City-County Building
Fort Wayne, Indiana 46802

Dear Charlie:

This letter is to advise you and the Council Members that a Certification to place the AMP Referendum on the Primary Ballot must be received by the Election Board on or before 4:30 P.M. on March 14, 1980 in order to be placed on the Primary Ballot.

We are advising you of this deadline so that necessary steps can be initiated if necessary.

Sincerely,

Patricia Conrad, Secretary
Allen County Election Board

Made a matter of record 2-12-80

Charles W. Westerman
City Clerk

BILL NO. A-80-02-14

APPROPRIATION ORDINANCE NO. A-

AN EMERGENCY ORDINANCE appropriating funds from the General Fund No. 010 and transferring funds from the Controller's Fund No. 010-002-4111, the Board of Works Fund No. 010-006-4111, the Law Fund No. 010-009-4111, the Office of Emergency Services Fund No. 010-016-4111, to the General Fund No. 010, and appropriating funds for the defraying of certain salary expenses of several departments of the Civil City of Fort Wayne for the year ending December 31, 1980

WHEREAS, an emergency exists for the appropriation of additional funds to the 1980 budgets of certain of the Departments of the City Government, for which funds are available in the unappropriated and unobligated balance of the General Fund (General Fund No. 010), and the transfer from the Controller's Fund No. 010-002-4111, the Board of Works Fund No. 010-006-4111, the Law Fund No. 010-009-4111, and the Office of Emergency Services Fund No. 010-016-4111 of certain funds to the General Fund No. 010, which additional appropriations have been recommended by the Mayor, City Controller and the Heads of the various City Departments involved;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated from the unappropriated and unobligated balances of the General Fund (General Fund No. 010) the sum of \$213,484.00, and that said sum is allocated appropriated to the following accounts in the 1980 budgets of the various City Departments as hereinafter set forth:

<u>DEPARTMENT</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
Mayor's Office	010-001-4111	\$ 2,519.00
Purchasing	010-003-4111	1,777.00
City Clerk	010-004-4111	877.00
Weights & Measures	010-007-4111	1,105.00
Community Development & Planning	010-008-4111	2,608.00
Street Engineering	010-010-4111	2,124.00
Traffic Engineering	010-011-4111	17,106.00
Board of Safety	010-012-4111	5,000.00
Police	010-014-4111	43,799.00
Fire	010-015-4111	18,866.00
Humane Commission	010-017-4111	20,166.00
Communications	010-018-4111	17.00
Emergency Medical Services	010-019-4111	93,422.00
Public Affairs	010-020-4111	1,130.00
Park	010-121-4111	517.00
Parking Administration	010-132-4111	2,451.00
	TOTAL	\$213,484.00

SECTION 2. That there is hereby transferred to the General Fund No. 010 the following sums: from the Controller's Fund No. 010-002-4111, the sum of \$1,775.00; from the Board of Works Fund No. 010-006-4111, the sum of \$810.00; from the Law Fund No. 010-009-4111, the sum of \$5,836.00, and from the Office of Emergency Services Fund No. 010-016, the sum of \$10,416.00.

SECTION 3. That the unappropriated and unobligated balance in the General Fund No. 010 is hereby reduced in the sum of \$194,647.00, and the appropriations for the following Departments heretofore made are reduced in the sums as follows:

Controller's Fund No. 010-002-4111	reduced	\$ 1,775.00
Board of Works Fund No. 010-006-4111	reduced	810.00
Law Fund No. 010-009-4111	reduced	5,836.00
Office of Emergency Services		
Fund No. 010-016-4111	reduced	<u>10,416.00</u>
	TOTAL	\$18,837.00

SECTION 4. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talrico, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday the 26th day of February, 1980, at 7:30 o'clock P.M., E.S.T.

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. A-80-02-15

APPROPRIATION ORDINANCE NO. A-

AN EMERGENCY ORDINANCE appropriating funds from
General Fund No. 010 to the Department of Human
Resources No. 010-022-4111

WHEREAS, an emergency exists for the appropriation of funds to the Department of Human Resources No. 010-022-4111 for the remainder of the year 1980, for which funds are available in the unappropriated and unobligated balance of the General Fund No. 010, which additional appropriation has been recommended by the Mayor and City Controller,

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the sum of \$22,900.00 is hereby appropriated from the unappropriated and unobligated balance of the General Fund No. 010 to the following account for the remainder of the year 1980:

<u>DEPARTMENT</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
Human Resources - Services		
Personal	010-022-4111	\$22 900.00

SECTION 2. That the unappropriated and unobligated balance of the General Fund No. 010 is hereby reduced in the amount of \$22,900 00.

SECTION 3. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 26th day of February, 1980, at 7:30 o'clock P.M.E.S.T.

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-01

SPECIAL ORDINANCE NO. S-

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BONDS, SERIES 1980
(HOLSUM OF FORT WAYNE, INC.)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Holsum of Fort Wayne, Inc. Project regarding the financing of proposed economic development facilities for Holsum of Fort Wayne, Inc., and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980, and also adopted a Resolution on January 22, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Holsum of Fort Wayne, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, and Guaranty Agreement; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Holsum of Fort Wayne, Inc., for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Holsum of Fort Wayne, Inc., under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Mortgage and Indenture of Trust and Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), in the total principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Holsum of Fort Wayne, Inc., under the Loan Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controllor are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed $7\frac{3}{4}\%$ per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on

behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-07

SPECIAL ORDINANCE NO. S-

AN ORDINANCE amending the City of Fort Wayne Master Plan by abandoning and vacating the alley lying between Clinton Street and Clinton Court from Darrow Street south to the south line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the City of Fort Wayne, Indiana.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Master Plan of the City of Fort Wayne, Indiana, is hereby amended by abandoning and vacating the alley lying between Clinton Street and Clinton Court from Darrow Street south to the south line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the City of Fort Wayne, Indiana; provided that the City Plan Commission shall first give notice and conduct a public hearing and forward its recommendation in accordance with the provisions of I.C. 18-7-5-46.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor, subject to the requirement of Section 1 above.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-09

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Change Order
No. 6, Water Contract No. 77-W-2,
Water Works Improvements, Filtration Plant
Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 6 to Hagerman-Shambaugh, in connection with Contract No. 77-W-2, Water Works Improvements - Filtration Plant Additions, for:

that installation of additional piles
(metal casings filled with concrete,
driven fifty (50) feet or so into
ground to support structure being con-
structed),

in the amount of \$47,332.00, as set out in the specifications, which Change Order is on file in the office of the Board of Public Works and is by reference incorporated herein and amde a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-10

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract,
dated December 27, 1979, with Bercot, Inc.
for the construction of a storm sewer on
North Washington Road south to Lough Nest,
under Improvement Resolution No. 5857-79
of the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Contract, dated Deeember 27, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Bercot, Inc., contractor:

To construct Storm Sewer on North Washington Road R/W a distance of 76 \pm ft. south to an existing easement on the south side of Lot #7 of North Washington Place Addition and continuing along said easement a distance of 125 \pm ft. to existing R/W of Lough West and 50 \pm ft. to an existing inlet on Lough Nest.

at a cost of \$7,695.90 coming from City Utilities with reimbursement from property owners involved, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-11

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Change Order
No. 1, Street Light Improvement Resolution
No. 137-79, ornamental street lighting
for Harrison Hill area, T & F Construction
Corporation, contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

Section 1. That Change Order No. 1 to T & F Construction Corporation,
for:

the need to relocate power source from
Indiana & Michigan Electric Co. facilities.
Also to avoid utility conflicts encountered
during present construction as well as
minimizing future conflicts with utilities

at at a cost of \$10,475.00 coming from property owners through the Barrett Bond, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-13

SPECIAL ORDINANCE NO. S-

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by the Emergency Medical Services Department for payment of accrued overtime for emergency service work performed by employees of the Department

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budget of the Emergency Medical Department for the payment of accrued overtime for emergency work performed by Emergency Medical Technicians of the Department in the sum of \$37,461, as finally negotiated by the Civil City and the Emergency Medical Technicians and their Union.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Services Personal Account No. 010-019-4111 of the Emergency Medical Services Department No. 010-019 be increased by the sum of \$37,461.00 for the year 1980.

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-16

SPECIAL ORDINANCE NO. S-

AN EMERGENCY ORDINANCE establishing the salaries of employees and new positions in certain of the Civil City Departments of the City of Fort Wayne for the remainder of the year 1980, and terminating other positions.

WHEREAS, an emergency exists in the securing and employing of competent personnel to adequately staff certain of the departments of the City of Fort Wayne and to provided for services necessary for the proper operation thereof, which have not been hitherto provided for; and

WHEREAS, the Mayor of the City of Fort Wayne, pursuant to Indiana Code 18-2-1-9, has the power and authority in such an emergency to provide for and appoint such personnel and to fix their salaries subject to the approval of the Common Council; and

WHEREAS, the Mayor of the City of Fort Wayne has recommended the positions, salary and labor grades for the personnel necessary to meet said emergency, and the deletion of certain existing positions in the various departments of the City no longer necessary because of the recommended personnel and positions set forth herein; and

WHEREAS, it is the sense of this body that such changes will improve the efficiency and administration of local government in the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby established and created the following new positions in various departments of the Civil City of Fort Wayne, with salary and labor grade as shown, for the remainder of the year 1980, and the following positions heretofore established and created are hereby terminated:

<u>NUMBER OF POSITION</u>	<u>TITLE OF POSITION</u>	<u>LABOR GRADE</u>	<u>1980 SALARY</u>
<u>010-001-4111 - MAYOR</u>			
New position created:			
1	Executive Assistant	17	17,000
Position terminated:			
1	Executive Secretary A	7	11,049
<u>010-002-4111 CONTROLLER</u>			
New position created:			
1	Director-Dept. of Grants	17	21,000
1	Administrative Assistant	8	13,572
Position terminated:			
1	Urban Grants Director	16	20,150
1	Office Manager	13	17,486
<u>010-008-4111 COMMUNITY DEVELOPMENT & PLANNING</u>			
New position created:			
1	Deputy Director	18	24,000
Position terminated:			
1	Director, Long Range Planning	17	22,912
<u>010-009-4111 LAW DEPARTMENT</u>			
New position created:			
6	Associate City Attorneys	U	12,796
Position terminated:			
1	Associate City Attorneys	U	18,632
5	Associate City Attorneys	U	12,796
<u>010-012-4111 BOARD OF 'PUBLIC SAFETY</u>			
New position created:			
1	Chairman	U	5,000
<u>010-014-4111 - POLICE DEPARTMENT</u>			
New position created:			
3	Deputy Chiefs	15	19,227

1	Legal Training Officer		
	& Atty.	16	22,000
6	Records Bureau Technicians	9	11,996
1	Supervisor - Dark Room	10	13,960
1	Clerk Typist A	3	8,769
10	Clerk Typists /CIT	4	8,631

Position terminated:

2	Deputy Chiefs	15	19,227
1	Attorney	U	14,224
1	Executive Secretary B	5	9,922
1	Executive Secretary B	5	9,460
1	Information Specialist	3	8,638
1	Clerk Typist A	3	9,202
3	Clerk Typist A	3	8,769
1	Clerk Typist A	3	8,628
4	Clerk Typists A	3	8,074

010-015-4111 FIRE-DEPARTMENT

New position created:

7	Assistant Chiefs	15	19,205
12	District Chiefs	13	18,305
22	Platoon Captains	12	17,556
36	Captains	11	16,844
20	Lieutenants	10	16,165
168	Firefighters	9	15,518

Position terminated:

1	Deputy Chief	16	21,051
6	Assistant Chiefs	15	19,205
7	District Chiefs	13	18,305
17	Platoon Captains	12	17,556
41	Captains	11	16,844
18	Lieutenants	10	16,165
175	Firefighters	9	15,518

010-016-4111 - OFFICE OF EMERGENCY SERVICES

Position terminated:

1/2	Secretary A	6	5,416
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010-017-4111 - HUMANE COMMISSION

New position created:

2	Utility Persons	7	11,051
3	Kennel Workers	3	8,073

Position terminated:

1	Utility Person	7	11,051
2	Kennel Workers	3	8,073

010-018- - COMMUNICATIONS

New position created:

1	Assistant Chief	13	18,305
1	Supervising Dispatcher	13	17,556
1	Chief Technician	13	17,556
3	Captains	12	16,844
3	Lieutenants	11	16,315
15	Dispatchers	9	15,518
3	Dispatchers (probationary)	9	14,518

Position terminated:

1	Captain	13	17,914
1	Chief Dispatcher	13	17,114
4	Lieutenants	11	16,476
3	Sergeants	10	16,315
13	Dispatchers	9	15,518
5	Dispatchers (civilian)	9	15,518

010-019-4111 - EMERGENCY MEDICAL SERVICES

New position created:

1	Deputy Director	13	16,843
12	EMT	7	11,889

Position terminated:

10	EMT	7	11,889
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010-020-4111 - PUBLIC AFFAIRS

New position created:

1	Director Neighborhood Part.	16	17,000
1	Citizens Advocate	16	17,000

Position terminated:

1	Director Citizens Part.	13	15,485
1	Ombudsman	13	15,485

SECTION 2. If any section, clause, sentence, paragraph, part or provision of this ordinance shall be held invalid, it shall be conclusively presumed that this ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-17

SPECIAL ORDINANCE NO. S-

AN EMERGENCY ORDINANCE establishing and
creating the office and position of director
of Human Resources for the Civil City of Fort
Wayne

WHEREAS, an emergency exists in the supplying and coordinating of human resources by the City of Fort Wayne, both within the various departments of the City and to the citizens thereof;

WHEREAS, the Mayor of the City of Fort Wayne, pursuant to Indiana Code 18-2-1-9, and subject to the approval of the Common Council, has the authority in such an emergency to provide for the appointment of personnel necessary to meet such an emergency;

WHEREAS, the Mayor has recommended the establishment and creation of the position of Director of Human Resources with maximum annual salary of \$25,000.00, Labor Grade 18, to coordinate the work of the following Departments and to whom the officers and directors of said Departments would report: Equal Economic Opportunity, Civil Defense, Minimum Housing, Humane Shelter, Veterans' Affairs and liaison for the other independent Boards and Commission and such other Civil agencies and departments as shall be designated by the Mayor.

NOW, THEREFORE, be it ordained by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. That the office and position of Director of Human Resources is herewith established and created with Labor Grade 18 and with a maximum salary computed at an annual rate of \$25,000.00 for the remainder of the year 1980.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-20

SPECIAL ORDINANCE NO. S-

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by various Departments of the Civil City of Fort Wayne to fund "step" increases granted to employees of said Departments for the 1980, resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budgets of certain of the Departments of the Civil City resulting from "step" increases granted to employees of said Departments for the year 1980 resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the accounts in the 1980 budgets of the various Civil City Departments as hereinafter set forth be increased as follows:

<u>DEPARTMENT</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
Controller	010-002-4111	\$ 1,289.00
Purchasing	010-003-4111	1,777.00
City Clerk	010-004-4111	877.00
Board of Works	010-006-4111	1,870.00
Weights and Measures	010-007-4111	1,105.00
Community Development and Planning	010-008-4111	1,520.00
Street Engineering	010-010-4111	2,124.00
Traffic Engineering	010-011-4111	17,106.00
Police	010-014-4111	2,308.00
Fire	010-015-4111	1,923.00

Humane Commission	010-017-4111	1,042.00
Emergency Medical Services	010-019-4111	15,340.00
Park	010-121-4111	517.00
Parking Administration	010-132-4111	2,451.00

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-80-02-12

GENERAL ORDINANCE NO. G-

AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-02-80 AS AMENDED

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1.

General Ordinance No. G-02-80 approving a Contract for Feasibility Study concerning acquisition, purchase and/or condemnation of presently operating utility system is hereby repealed.

Section 2.

This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Fort Wayne, Indiana.

Doanld J. Schmidt
Councilman

Read the first time in full and on motion by D. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Ad Hoc Electric Utility Study Committee

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-18

RESOLUTION NO. R-

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$890,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and sale facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Pines of America, Inc., and Indiana Corporation ("Corporation" has advised the Fort Wayne Economic Development Commission (the Commission") and the Issuer that they propose that the Issuer acquire, construct and equip an economic development facility and sell the same to the applicant Corporation or loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be a 47,640 square foot manufacturing and warehousing facility for the manufacture and warehousing of youth toys and equipment located in Interstate Industrial Park in the City of Fort Wayne, Indiana (on an approximate 7.029 acre tract of land) ("Project"), and

WHEREAS, the diversification of industry and increase in job opportunities (49 new jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately \$890,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition,

construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-19

RESOLUTION NO. R-

A RESOLUTION authorizing the filing of an
application for fiscal year 1980 Community
Development Block Grant Funds

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WEREEAS, under the provisions of the Housing and Community Development Act of 1977, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people, and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the city's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement application for sixth year Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the attached application for \$2,946,000.00 in sixth year entitlement funds and the accompanying assurances be approved and forwarded to the U. S. Department of Housing and Urban Development under the signature of Mayor Win C. Moses, Jr.
2. That Mayor Win C. Moses, Jr. in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.
3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-22

RESOLUTION NO. R-

A RESOLUTION finding, determining and ratifying an inducement resolution of Fort Wayne Economic Development Commission authorizing the issuance and sale of \$8,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Mid-Town Development Company (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for a 5-story multi-tenant office building to be located at the northwest intersection of Main and Calhoun Streets in downtown Fort Wayne, Indiana; and

WHEREAS, Mid-Town Development Company will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in new jobs (200) with an estimated annual payroll of \$3,000,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$8,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, proved that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-03

ZONING MAP ORDINANCE NO. Z-

AN Ordinance amending the City of
Fort Wayne Zoning Map No. M-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. M-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1 thru 12, 16 thru 34, 47 thru 57
in South Calhoun Street Addition; Lots
21 thru 31 in East Wildwood Addition,
Lots 4 thru 6 in East Wildwood Extended
Addition; and Lot 55 in Bass 6th Addition
and also the Williams Park area.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-04

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1 thru 14 and 59 thru 72 in Pfeiffer
Place Addition; Lots 12 thru 16 and 35
thru 54 and 57 thru 66 in Beck's Addition,
Lots 1 thru 4 in Putnam Place Addition; and
Lots 1 thru 12 in Bittinger's Addition

Section 2. That this Ordinance shall be in full force and effect from
and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-05

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. N-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated
a B-1-A - Limited Business District under the terms of Chapter 33, Municipal
Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of
Fort Wayne Zoning Map N-3, referred to therein, established by Section 33-11,
of said Chapter are hereby changed accordingly, to wit:

Lot #11 and 10 feet off South side of Lot
#8 in P. Moran's Subdivision of Hanna Outlots
18 and 19, commonly known as 2416 Weisser Park
Fort Wayne, IN; and, Lot #14 in P. Moran's Sub-
division and the North one-half of vacated alley
adjacent to Lot #14 in P. Moran's Subdivision,
commonly known as 2412 Weisser Park Fort Wayne, IN.

Section 2. That this Ordinance shall be in full force and effect from
and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-06

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 33 & 34 in Curdes Homewood Addition.

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-08

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. J-15 and J-19

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT

WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. J-15 & J-19, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of Lot #1 together with part of Lot #8 in Archange Godfrey's Subdivision of Richardville Reserve situated on the West side of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, as recorded in Deed Record 52, pages 54-55 in the Office of the Recorder of Allen County, Indiana, all being more particularly described as follows, to wit:

Beginning at the North corner of said Lot #8; thence N 33° -50' W, on and along the Southwesterly line of said Lot #1, a distance of 311.2 feet to the centerline of the Fairfield Ditch; thence Northeasterly, on and along said Ditch centerline on the following courses and distances:

N 60°-45', a distance of 70.4 feet,
thence N 67°-33' E, a distance of 100.1 feet;
thence N 83°-52' E, a distance of 103.1 feet;
thence N 70°-36' E, a distance of 89.5 feet;
thence N 49°-09' E, a distance of 90.9 feet;
thence N 38°-23' E, a distance of 100.4 feet;
thence N 40°-06' E, a distance of 100.2 feet;
thence N 45°-37' E, a distance of 131.0 feet to the

Westerly right-of-way line of Bluffton Road (formerly State Road #1), thence Southeasterly, on and along said Westerly right-of-way line, being a regular curve to the left having a radius of 7211.98 feet and being situated 50.0 feet (measured radially) Westerly of and concentric to the centerline of said Bluffton Road a distance of 155.5 feet, (the chord of which bears S 08-27' E for a length of 155.5 feet) to the point of tangency; thence S 09-04' E, continuing along said Westerly right-of-way line, being 50.0 feet (measured at right angles) Westerly of and parallel to the centerline of said Bluffton Road, a distance of 1145.5 feet thence S 88°-03' W, a distance of 965.4 feet to the Northwesterly line of said Lot #8; thence N 25°-30' E, on and along said Northwesterly line, a distance of 709.2 feet to the point of beginning, containing 17.204 acres of land, subject to an easement, 20 feet in width for sanitary sewer purposes, as established by Declaratory Resolution No. 1072-1961, lying 10 feet on each side of the following described centerline, to wit:

Beginning on the Southwesterly line of said Lot #1 at a point situated 253 3 feet, N 33°-50' W from the North corner of said Lot #8, thence N 69°-50' E, a distance of 357.3 feet to a sanitary manhole; thence N 43°-32' E, a distance of 384.3 feet to a point on the Westerly right-of-way line of Bluffton Road and terminating at said point.

Further subject to a legal right-of-way for an open ditch known as the Fairfield Ditch, 75 feet from the top of the South Bank in accordance with Article 6, Section 601 of the Indiana Drainage Code of 1965.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-21

ZONING MAP ORDINANCE NO. Z-
AN ORDINANCE amending Chapter 33 of the Code
of the City of Fort Wayne, Indiana 1974.

Be It Ordained by the Common Council of the City of Fort Wayne,
Indiana:

SECTION 1. That Chapter 33 of the Code of the City of Fort Wayne,
Indiana, 1974 be amended to read as follows: Section 33-3 Definitions.
The following terms, unless a contrary meaning is required by the context
or specifically otherwise prescribed, shall have the following meanings:

(A) Accessory Building and Use

(1) A building or use subordinate to another structure or
use located on the same lot and which does not change or alter the character
of the premises.

(2) Public utility communication, electric, gas, water and
sewer lines, their supports and incidental equipment.

(3) Where a substantial part of the wall of an accessory
building is part of the wall of the main building or where an accessory
building is attached to the main building in a substantial manner as by a
roof, such accessory building shall be counted as part of the main building.

(B) Accessory Living Quarters - Living quarters within an
accessory building for the sole use of persons employed on the premises;
such quarters having no kitchen facilities and not rented or otherwise used
as a separate dwelling.

(C) Alley - A right-of-way other than a street, road, crosswalk
or easement, designed for the special accommodation of the property it
reaches.

(D) Block Face - The side of two city blocks that face a common
street.

(E) Block Group - A block group is a combination of contiguous
blocks having a combined average population of about 1,000. Block groups
are approximately equal in area (discounting parks, cemeteries, railroads,
yards, industrial plants, rural areas, etc.); they are subdivisions of
census tracts which simplify numbering and data control. Each block is
identified by the first digit of the three-digit block number. Block
group "1" will contain any block in range 101-199, block group "2" in
range 201-299, etc.

(F) Board - the Board of Zoning Appeals of the City of Fort
Wayne.

(G) Building - A structure having a roof supported by columns
or walls designed, built or used for the enclosure, shelter or protection
of persons, animals, chattels or property.

(H) Building, Detached - A building having no structural connec-
tion with another building.

(I) Building, Height of - The vertical distance measured from
the adjoining street centerline grade at a point opposite of the center of
the principal frontage of the building to the highest point of ceiling of
the top story in the case of a flat roof; to the deck line of a mansard
roof; and to the mean heights level between the eaves and ridge of a gable,
hood or gambrel roof. Where the buildings are set back from the street line,
the heights of the building may be measured from the average elevation of
the finished lot grade at the front of the building.

(J) Building Line - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

(K) Building, Main - A building constituting the principal use of a lot.

(L) Building, Nonconforming - A legally existing building which fails to comply with the regulations set forth in this chapter applicable to the district in which such building is located.

(M) Building, Semi-Detached - A main building having one wall in common with an adjacent main building.

(N) Camp Ground - Any area or tract of land used or rented for occupancy by campers using tents for periods not to exceed two weeks.

(O) Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(P) Certificate of Occupancy - A certificate issued by the Zoning Enforcement Officer stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

(Q) Clinic or Medical Health Center - An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

(R) Commission - The Fort Wayne City Plan Commission.

(S) Day Care - Means the care, supervision and guidance of a child, not related to the operator by blood or marriage, on a regular basis, for periods of less than 24 hours per day, in a place other than the child's own home.

(T) Day Care Home - Means a day care home serving six (6) or fewer children with one operator and ten (10) children with an assistant. The children in the home, not related to the operator by blood or marriage, at any one time shall not exceed the number approved by this definition. The day care home operator shall hold a valid Day Care Home License from the Indiana Department of Public Welfare for Day Care Home Operator in Allen County, Indiana.

(U) District or Zone - A section of the territorial jurisdictional area of the Fort Wayne City Plan Commission for which uniform regulations governing the use, heights, area, size and intensity of use of buildings and land, and open spaces about buildings are established by this chapter.

(V) Dwelling - A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

(W) Dwelling, Multiple Family - A building or portion thereof used for occupancy by two, three or more families living independently of each other.

(X) Dwelling, One Family - A building used for occupancy by one family.

(Y) Dwelling, Two Family - A building used for occupancy by two families living independently of each other.

(Z) Dwelling Unit - A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.

(AA) Educational Institution - Public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

(BB) Extended Group Home - A facility located in a residential community providing shelter and/or rehabilitation for from seven (7) to fourteen (14) children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four hour adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(CC) Family - One or more persons living as a single house-keeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house. A family shall be deemed to include servants.

(DD) Garage, Private - A detached accessory building or a portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one and one-half vehicles per family housed in the building to which such garage is accessory, whichever is the greater.

(EE) Garage, Public - Any building or structure other than a private garage, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

(FF) Half-Way House - A resident facility for sixteen (16) or less persons eighteen (18) years of age or older, referred by a governmental body or duly licensed social service agency, which provides short-term rehabilitative services in a transitional environment, to persons who are physically, emotionally or socially handicapped. The goal of the service is to aid the individual's successful re-entry into the community as an independent and a productive member.

(GG) Home Occupation - Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a tea room or animal hospital be considered as a Home Occupation.

(HH) Hotel or Motel - A structure or portion thereof in which more than five guest rooms are used to provide or offer temporary accommodations for transient guests.

(II) Improvement Location Permit - A permit issued by the Zoning Enforcement Officer stating that the proposed erection, construction, enlargement or moving of the building or structure referred to therein complies with the provisions of this chapter.

(JJ) Junkyard - Including Automobile Wrecking - a lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

(KK) Kennel, Animal - Any place where more than three dogs or more than three any single type of domestic animals are kept. For this purpose such animals shall not be counted until they reach the age of six months.

(LL) Limited Group Home - A facility located in a residential community providing shelter and/or rehabilitation for six (6) or less children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(MM) Lodging House - A building with more than two but not more than ten (10) guest rooms where lodging with or without meals is provided.

(NN) Lot - A parcel, tract or area of land, it may be single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the Office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of the Zoning Ordinance; or it may include parts of a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of the street or any private access serving more than one main building shall be included.

(OO) Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

(PP) Lot, Front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be considered as that part of the lot having the least amount of footage adjacent to and parallel with either one of the streets. Whenever such footage is the same on both of such streets, either part of the corner lot may be considered as the front of the lot.

(QQ) Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

(RR) Lot Width - The dimension of a lot, measured between side lot lines on the building line.

(SS) Mobile Home, Dependent - A mobile home which requires service connection for sewer, water and power facilities and which is so designed or constructed to permit occupancy for dwelling or sleeping purposes.

(TT) Mobile Home, Independent - One which does not require service connections for sewer, water or power and is so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(UU) Mobile Home Park - Any tract of ground designed for use or used by one or more mobile homes which provides the necessary services such as water, sewer and power connections for the dependent-type mobile homes as defined in this ordinance.

(VV) Parking Area, Public - An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

(WW) Parking Space (Off-Street, One) - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways.

(XX) Person - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(YY) Private School - Private preprimary, primary, grade, high or preparation school or academy.

(ZZ) Sign - Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

(AAA) Story - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

(BBB) Story, Half - A story under a gable, hop or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

(CCC) Street - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

(DDD) Structure - Anything constructed or erected which requires location in or on the ground or attachment to something having a location in or on the ground.

(EEE) Territorial Jurisdiction - The City of Fort Wayne, Indiana, and the contiguous unincorporated areas outside of the City of Fort Wayne shown on a map on file in the Office of the County Recorder of Allen County, Indiana.

(FFF) Tourist Home - A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests.

(GGG) Trade or Business School - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit corporation; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical skills.

(HHH) Trailer Park - Any tract of ground designed for use or used by one or more trailers of the independent mobile home type defined in this ordinance and which is used for dwelling or sleeping purposes regardless of whether a charge is made for such accommodation.

(III) Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

(JJJ) Use, Nonconforming - An existing use of land or building which fails to comply with the requirements set forth in the chapter applicable to the district in which such use is located.

(KKK) Use, Open - The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

(LLL) Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

(MMM) Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building line.

(NNN) Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the least distance between the rear lot line and the rear of such main building.

(OOO) Yard, Side - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the main building.

(PPP) Zoning Enforcement Officer - An official of the Plan Commission Staff of the City of Fort Wayne, Indiana who issues any and all required permits and enforces the provisions of this chapter and the planning and zoning laws of the State of Indiana within the planning jurisdiction of the Fort Wayne Plan Commission.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne, Indiana, 1974 be amended to read as follows: Section 33-14 Permitted Uses - Specified Districts. The following uses shall be permitted in the district hereinafter specified:

A. "R1" District - One Family Residence

- (1) One Family Dwelling
- (2) Public Park or Recreation Area
- (3) Church, Public or Parochial Primary or Secondary School, including attached or free standing announcement or bulletin board, not exceeding 24 square feet in area.
- (4) Home Occupation
- (5) Limited Group Home, if its location is first approved by the Board following a public hearing.

(6) Day Care Home

(7) Accessory Building and Use

(8) Name Plat or Sign - One per dwelling unit not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

B. "R2" District - Two Family Residence

(1) All Uses Permitted in the "R1" District, plus:

(2) Two Family Dwelling

(3) Limited Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or halfway house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(4) Extended Group Homes, if its location is first approved by the Board following a public hearing.

(5) Half-Way House, if its location is first approved by the Board following a public hearing.

(6) Accessory Building and Use

C. "R3" District - Multiple Family Residence

(1) All uses permitted in the "R2" District, plus:

(2) Multiple Family Residence

(3) Apartment Hotel

(4) Tourist Home, Lodging Home

(5) Nursing Home or Rest Home

(6) Non-Profit Private Club

(7) Mortuary

(8) Extended Group Home, provided that not more than two group homes or half-way houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one group home or half-way house be located on a block face without prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(9) Half-Way House, provided that not more than two group homes or half-way houses in any combination as outlined by definitions (BB), (FF) and (LL) shall be located in any block group and that not more than one approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be contiguous. Certificate of Occupancy required in all cases.

(10) Office or Studio - if its location is first approved by the Board following a public hearing.

(11) Accessory Building and Use

D. "RA" District and "RB" District - Residence (G-97-70, 8/25/70)

(1) Dwelling

(2) Public Park and Recreation Area

(3) Church, Public or Parochial Primary or Secondary School, including attached or free standing bulletin board not exceeding 24 square feet in area.

(4) Agriculture, Nursery or Truck Garden (Open or Under Glass)

(5) Home Occupation

(6) Tourist Home or Lodging Home, if its location is first approved by the Board of Zoning Appeals following a public hearing.

(7) Nursing Home or Rest Home, if its location is first approved by the Board following a public hearing.

(8) Accessory Building and Use, including roadside stands for the retail sale of commodities produced on the premises only.

(9) Name Plate or Sign, one per dwelling not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to the sale or rental of property on which it is located.

(10) If the Commission shall find that substantial property rights in the area surrounding the tract may be directly affected by the development, a public hearing shall be held by the Commission before it approves a preliminary development plan; otherwise, a public hearing shall not be required. Notice of any such public hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or amendments thereto under the Planning Acts of the State of Indiana.

a. The development plan shall meet the location criteria:

- 1 (i) The location and size of the development
- 2 would be compatible with the surrounding
- 3 area and would not conflict with any components of the Master Plan of the City of Fort Wayne.
- 4 (ii) The location of the development would
- 5 provide direct access to a secondary or
- 6 primary street or sufficient right-of-way
- 7 and improvement width, or a residential
- 8 street that meets the minimum requirements
- 9 of both right-of-way and improvement of a
- 10 secondary street unless waived by the Plan
- 11 Commission.
- 12 (iii) Written approval is received from the agency
- 13 having jurisdiction that the development
- 14 would not impose hardships on the following
- 15 facilities:
- 16 (a) Water
- 17 (b) Sewer
- 18 (c) Streets
- 19 (d) Schools
- 20 (e) Parks & Playgrounds
- 21 (f) Fire Protection
- 22 (g) Storm Water Drainage
- 23 (iv) The Commission shall determine which
- 24 street shall be dedicated and which
- 25 passageways are to be private streets
- 26 or parking lots.
- 27 (v) If the Commission is of the opinion that
- 28 the location of the multiple family or
- 29 multiple group development would conflict
- 30 with the Master Plan for the City of
- 31 Fort Wayne or would be detrimental to the
- 32 growth of existing uses in the surrounding
- 33 area, the Commission may disapprove said
- multiple development proposal, providing,
- however, such approval by the Commission
- will not be unreasonably withheld.
- b. The preliminary development plan shall meet
- the following standards and include the
- following information and supporting data:
- (i) No less than 2,500 square feet of land is
- devoted to any efficiency, one or two
- bedroom living unit. In determining density
- no part of any existing street right-of-way
- or proposed right-of-way as shown in the
- Thoroughfare Plan shall be included.
- (ii) Living units having three (3) or more
- bedrooms shall have a minimum 4,000
- square feet of land per unit. In
- determining density no part of any
- existing street right-of-way or proposed
- right-of-way as shown in the Thoroughfare
- Plan shall be included.

- (iii) The minimum off-street parking requirement shall be one and one-half (1½) spaces per unit and must be in acceptable location to the building served. All parking spaces on public or private streets shall be parallel to the street.
- (iv) All dedicated streets shall conform to the minimum requirements of the Subdivision Control Ordinance of the City of Fort Wayne and provide alignment with existing dedicated streets.
- (v) The maximum building coverage does not exceed thirty (30) percent of the tract, exclusive of streets.
- (vi) Recreation or laundry facilities be located in a manner that would serve only the proposed multiple family complex. The use of these facilities by persons living outside this complex would be a violation of this ordinance.
- (vii) In a multiple family or multiple group development, no building shall be closer than twenty-five (25) feet to an adjacent property line in the case of a one-story building nor closer than thirty (30) feet in the case of a two-story building. The Plan Commission may waive front, side or rear yard requirements if such waiver would compliment the plan.
- (viii) Date, Scale 1" = 50', North Point, Name of Designer or Engineer and name and address of developer of tract.
- (ix) Accurate boundaries of proposed development and accurate location of abutting streets and structures.
- (x) Location, size, use and capacity of all structures existing or to be placed on the tract.
- (xi) Proposed point of ingress and egress for the planned development with proposed parking areas.
- (xii) Existing and proposed rights-of-way of existing or proposed streets road and highways.
- (xiii) Proposed site screening and landscaping of development. A minimum of forty (40) percent of all open space, exclusive of streets, shall be devoted to landscaping, unless waived by the Commission.

- 1 (xiv) Proposals for sewers, water, gas, electricity
- 2 and storm drainage and the necessary ease-
- 3 ments for these utilities.
- 4 (xv) Proposals for control of storm water runoff.
- 5 (xvi) A fifty dollar (50) application fee must be
- 6 paid to City Controller for the processing
- 7 of this development plan.
- 8 (xvii) The Commission shall determine the location
- 9 and type of all additional sidewalks.
- 10 c. If the Commission approves the preliminary
- 11 development plan, the final development plan
- 12 shall be submitted to the Commission twenty-one
- 13 (21) days prior to their next scheduled meeting
- 14 and include the original tracing, five (5) prints
- 15 and the following additional data:
- 16 (i) Five (5) sets of improvement plans to
- 17 be distributed to the Street Engineer,
- 18 Water Engineer and Sewer Engineer and
- 19 drawn in compliance with the Fort Wayne
- 20 Board of Public Works Specifications.
- 21 (ii) Existing contours at two (2) foot intervals
- 22 with spot elevations of finished grade and
- 23 directions of storm water runoff.
- 24 (iii) To dedicate the streets and easements within
- 25 this development plan, the following should
- 26 be added:
- 27 (a) Name of Plat
- 28 (b) Street name assigned to streets to be
- 29 dedicated and defining of streets or
- 30 drives to remain private.
- 31 (c) Certification by land surveyor registered
- 32 by the State of Indiana.
- 33 (d) Lot lines and dimensions.
- 34 (e) Execution and notary by owners of land.
- 35 (f) Instrument of approval for signatures
- 36 of governing bodies.
- 37 (g) Private restrictive covenants.
- 38 (h) Statement dedicating streets and easements
- 39 to the City of Fort Wayne.

SECTION 2. If any section, clause, sentence part or paragraph of this Ordinance shall be declared invalid, it shall not affect the legality of the remainder or other parts of this ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbert
Councilman

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-01-28

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (PAYLESS CASHWAYS, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-01-28 (AS AMENDED)

SPECIAL ORDINANCE NO. S-09-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS (PAYLESS CASHWAYS,
INC. PROJECT)" AND APPROVING OTHER ACTIONS
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Payless Cashways, Inc. Project regarding the financing of proposed economic development facilities for Payless Cashways, Inc., an Iowa corporation (the "Company") and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission has

a public hearing on January 10, 1980, and also adopted a resolution on said date, which resolution has been transmitted hereto, finding that the financing of certain economic development facilities to be leased to the company complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Lease Agreement, Lease, Sublease, Guaranty Agreement, and Mortgage and Indenture of Trust, now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Lease Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, subleasing of the Subleased Site (as defined in the Lease Agreement) from the Company, the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the financing of the acquisition and construction of such facilities and the lease thereof to the Company, the payment of the revenue bonds by the Lease payments of the Company under the Lease Agreement, the guarantee of the payment of the principal and interest on the revenue bonds by the Company under the Guaranty Agreement, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreement, Lease, Sublease, Guaranty Agreement, and Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk,

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds (Payless Cashways, Inc. Project), in the total principal amount of Two Million Six Hundred Thousand Dollars (\$2,600,000) for the purpose of procuring funds to finance the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Lease Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any and interest from the rental payments made by the Company under the Lease Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust and Guaranty Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 7 3/8% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holders of the Economic Development First Mortgage Revenue Bonds (Payless Cashways, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-09-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman	John Nuckols
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-29

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (VIRGIL C. BROCKMANN, TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 1, 1980 AND AS ABOITE ADAMS TRUST NO. 101)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-01-29

SPECIAL ORDINANCE NO. S-10-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS, SERIES 1979
(VIRGIL C. BROCKMANN, TRUSTEE UNDER
TRUST AGREEMENT DATED JANUARY 1, 1980 AND
AS ABOITE ADAMS TRUST NO. 101)" AND
APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 regarding the financing of proposed economic development facilities for Virgil C. Brockmann, Trustee under trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 10, 1980, and also adopted a resolution on January 10, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 complies with purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the acquisition and construction of such facilities, the lease of said facilities by Virgil C. Brockmann, Trustee under Trust Agreement Dated January 1, 1980 and as Aboite Adams Trust No. 101 to Kindercare Learning Center, Inc., the payment of the revenue bonds by the rent payments, the guarantee of

the payment of the principal and interest on the revenue bonds by Virgil C. Brockmann and Louis Delagrangé, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreements, Guaranty Agreement, Loan Agreement, Note, Mortgage and Indenture of Trust, collateral assignment of leases approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1979 (Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 Project), in the total principal amount of Four Hundred Thousand Dollars (\$400,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rent payments made by Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 under the Loan Agreement and from other revenues and income assigned under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk, and Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed _____% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First

Mortgage Revenue Bonds, Series 1979 (Virgil C. Brockmann, Trustee under Trust Agreement dated January 1, 1980 and as Aboite Adams Trust No. 101 Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-10-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-23

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance AUTHORIZING A SURCHARGE ON TAXICAB FARES IN THE CITY OF FORT WAYNE, INDIANA have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

AMENDMENTS:

Section 2. In the event of a further gasoline price increase there shall be an additional surcharge of 5 ¢ for every 10 ¢ per gallon of gasoline price increase. In the event of a gasoline price decrease there shall be a decrease of 5 ¢ in taxicab fares for every 10 ¢ per gallon of gasoline price decrease.

Section 3. DELETE: in addition to said 40 ¢ surcharge
ADD: Before any surcharge increase or decrease

Section 4. ADD: No such additional surcharge or increase
or decrease

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-01-23 (AS AMENDED)

SPECIAL ORDINANCE NO. S-12-80

AN ORDINANCE AUTHORIZING A SURCHARGE
ON TAXICAB FARES IN THE CITY OF
FORT WAYNE, INDIANA.

WHEREAS, heretofore on the _____ day of _____, 1979 by Special Ordinance No. S-31-79 the Common Council of the City of Fort Wayne Indiana

did amend Chapter 28, Section 28-30(b) of the Code of the City of Fort Wayne authorizing an increase in taxicab fares for the City of Fort Wayne, Indiana, and

WHEREAS, the price per gallon of gasoline to the taxicab companies operating in the City of Fort Wayne, Indiana has increased by 40 ¢ per gallon since January 1, 1979, and,

WHEREAS, due to present conditions existing in the oil and gasoline markets there may be further increases.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That in addition to the fares established by taximeters pursuant to Chapter 28, Section 28-30 (b) of The Code of The City of Fort Wayne, Indiana of 1974, there shall be assigned for each trip made by a taxicab in carrying passengers for hire a surcharge of 20 ¢ per trip for any trip made by taxicab transporting passengers for hire.

Section 2. In the event of a further price increase there shall be an additional surcharge of 5 ¢ for every 10 ¢ per gallon of gasoline price increase. In the event of a gasoline price decrease there shall be a decrease of 5 ¢ in taxicab fares for every 10 ¢ per gallon of gasoline price decrease.

Section 3. Before any surcharge increase or decrease shall be authorized for any taxicab company operating in the City of Fort Wayne, Indiana, there shall be presented for study to the Controller of the City of Fort Wayne for his recommendation to the Common Council of the City of Fort Wayne sufficient financial data in such form and content required by the Common Council so that proper study thereof may be made.

Section 4. No such additional surcharge or increase or decrease shall be authorized except by approval by the Common Council of the City of Fort Wayne, Indiana by ordinance duly enacted and approved by the Mayor of the City of Fort Wayne, Indiana.

Section 5. This ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico

Nays: None
Absent: One
V. Schmidt

Date: 2-12-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-12-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-02

RESOLUTION NO. R-13-80

A Resolution authorizing payment to various agencies for the purchase of repair parts

WHEREAS, (1) damage has occurred to various items of property under the jurisdiction of the Traffic Engineer, which, therefore, require repair; (2) insurance monies in reimbursement for such damage have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids for the parts damaged have been received from the following companies:

	<u>Items</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1)	Replacement Arms/ Central Business Dis.	\$ 1,800.00	Biggs Electrical Construction Co.
2)	Replace damaged con- troller	8,920.00	Graymar Equipment Co.
3)	Misc. repair parts	1,784.25	3-M Co.
4)	Misc. repair parts	2,339.00	Clifford of Vermont
5)	Misc. repair parts	1,193.99	Elliott Equipment
	TOTAL	\$16,037.24	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies for repair parts as set out above.

Section 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne Indiana as Resolution No. R-13-80 on the 12th day of February, 1980

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-30

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. R-80-01-30

RESOLUTION NO. R-14-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, The First National Bank of Crown Point, Trustee, under Trust No. 53-0161 (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to be used for an office building located on the north side of Wayne Street between Clinton and Barr Street containing 240,000 net rentable sq. ft. on five floors; and

WHEREAS, Northwest Properties, Inc., Bernard Kleinman, and Dewitt P. Holland will guarantee all bond payments, and

WHEREAS, the diversification of industry and increase in new jobs (1,250 to 2,000) with an estimated annual payroll of \$1,500,000 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GlaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico

Nays: None
Absent One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-14-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T. -

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-79-11-15

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. R-14 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO NOT PASS

Ben A. Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. Z-79-11-15

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated
a R-3 District under the terms of Chapter 33, Municipal Code of the City of
Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning
Map No. R-14, referred to therein, established by Section 33-11, of said
Chapter are hereby changed accordingly, to wit:

S. 270.5 Ft. of W 82.5 Ft. of Lot #11 Feichters
Gardenview Addition.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by
Stier and duly adopted, placed on its passage. LOST by the following
vote:

Ayes: None

Nays: Seven

Burns, Eisbart, Nuckols, D. Schmidt, Schomburg,
Stier, Talarico

Abstained: One

GiaQuinta

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-79-05-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance
DO PASS

Ben A. Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-79-05-12

GENERAL ORDINANCE NO. G-03-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Pennsylvania Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Part of the Northwest Quarter, Section 8, Township 30
North, Range 13 East, Allen County, Indiana, in
particular described as follows, to wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of the Wabash Railroad (now the Norfolk & Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of $89^{\circ}-56'$, a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of $79^{\circ}-49'$, on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, thence Southeasterly, by a deflection angle left of $79^{\circ}-13'$, on and along said Southerly right-of-way line, a distance of 384.83 feet to the true point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg,
Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman	John Nuckols
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-11-21

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a portion of an alley in Rochill Heir's Addition have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Ben A. Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-79-11-21

GENERAL ORDINANCE NO. G-04-80

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of an alley in Rockhill Heir's Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

The South one (1) foot of the East forty-five (45)
feet of the East/West alley located in Block 15,
Rockhill Heir's Addition, according to the recorded
plat thereof.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-11-22

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 authorizing the vacation of a utility easement in Lake Forest Addition have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Ben A. Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. G-79-11-22

GENERAL ORDINANCE NO. G-05-80

AN ORDINANCE amending General Ordinance
No. G-97 authorizing the vacation of a
utility easement in Lake Forest Addition

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to wit:

The west 7 feet of a dedicated 14 foot utility easement on the eastern boundary of Lots 47 through 60 in Lake Forest Addition, Section 1 to the City of Fort Wayne, except east-west easements intersection.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayas: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg,
Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-05-80 on the 12th day of February, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City ClerkJohn Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-01-27

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving Change Order No. 1, Street Improvement Resolution No. 5832-79, in connection with College Street Elevation repair-Hipskind Asphalt Corporation, contractor have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Samuel J. Talarico
Paul M. Burns
John Nuckols
Mark GiaQuinta
Roy Schomburg

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. S-80-01-27

SPECIAL ORDINANCE NO. S-11-80

AN ORDINANCE approving Change Order No. 1,
Street Improvement Resolution No. 5832-79,
in connection with College Street Elevation
repair - Hipskind Asphalt Corporation, contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

Section 1. That Change Order No. 1 in connection with Street
Improvement Resolution No. 5832-79, the College Street Elevation repair
project - Hipskind Asphalt Corporation, contractor, for:

replacement of curbing and sidewalk
and other related items, which had
caved in during the excavation for
a new wall and pipe railing repair
along the College Street underpass

in the amount of \$5,549.00, as set out in the specification, therefor, on file in
the office of the Board of Public Works and by reference incorporated herein, is
hereby in all things ratified confirmed and approved.

Section 2. That this ordinance shall be effective upon passage and
approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Talarico, seconded by
Eisbart and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-11-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman	John Nuckols
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-80-01-20

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory, commonly known as Breconshire, to Fort Wayne, and including the same in Councilmanic District No. 4 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Mark E. GiaQuinta
Donald J. Schmidt
James S. Stier
Paul M. Burns
Samuel J. Talarico

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. X-80-01-20

ANNEXATION ORDINANCE NO. X-01-80

AN ORDINANCE annexing certain territory,
commonly known as Ereconshire, to Fort Wayne,
and including the same in Councilmanic District No. 4

WHEREAS, the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, described as follows, to-wit:

Commencing on the South line of said Quarter Section at a point situated 40.0 feet East of the Southwest corner thereof; thence Easterly along the South line of the Northeast Quarter a distance of 2158.79 feet; thence Northerly, by an interior angle of 88 degrees 56', a distance of 1187.2 feet; thence Westerly, by an interior angle of 91 degrees 56' a distance of 757.2 feet; thence Southerly by an interior angle of 88 degrees 04', a distance of 40.5 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 330 feet to the East line of Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence Southerly along the East line of said Pavey's Subdivision, a distance of 195.5 feet to the Northeast corner of Lot #15 of said Pavey's Subdivision, said point also being the Northeast corner of Lot #14 of Ereconshire, Section 1, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12

East, Allen County, Indiana, appearing in Plat Record Book 43 Page 43 of the Office of the Recorder of Allen County, Indiana; thence Westerly on and along the North line of Lot #15 of said Pavey's Subdivision, also being the North line of said plat of Breconshire, Section 1, a distance of 1077.2 feet to a point 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road, a distance of 391.3 feet to the Southwest corner of Lot #16 of said Pavey's Subdivision, said point also being the Southwest corner of Lot #30 of said plat of Breconshire, Section 1; thence Easterly on and along the South line of said Lot #16 of Pavey's Subdivision, also being the South line of said plat of Breconshire, Section 1, a distance of 1075.3 feet to the Sotheast corner of Lot #16 of said Pavey's Subdivision, said point also being the Southeast corner of Lot #17 of said plat of Breconshire, Section 1; thence Southerly along the East line of Lot #17 of said Pavey's Subdivision a distance of 195.8 feet to the southeast corner of said Lot #17, thence Westerly along the South line of said Lot #17, a distance of 844.2 feet to a point; thence Southerly by an interior angle of 91 degrees 13', a distance of 162.75 feet; thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 227.6 feet to a point situated 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road a distance of 212.75 feet to the point of beginning; containing 47.56 acres more or less.

Section 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

Section 3. Governmental and proprietary services will be provided

to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

Section 4. Said described territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana 1974.

Section 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
Schomburg, Stier, Talarico
Nays: None
Absent: One
V. Schmidt

Date: 2-12-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-01-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-01-21

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred a Resolution of the Common Council setting forth the policy of the City in regard to the annexation of Breconshire have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance
DO PASS

Mark E. GiaQuinta
Donald J. Schmidt
James S. Stier
Paul M. Burns
Samuel J. Talarico

Concurred in 2-12-80

Charles W. Westerman
City Clerk

BILL NO. R-80-01-21

RESOLUTION NO. R-15-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Breconshire

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas, and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services, and,

WHEREAS, the Common Council has before it an ordinance for the annexation of Breconshire annexation area, more specifically described, to-wit:

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, described as follows, to-wit:

Commencing on the South line of said Quarter Section at a point situated 40.0 feet East of the Southwest corner thereof, thence Easterly along the South line of the Northeast Quarter a distance of 2158.79 feet; thence Northerly, by an interior angle of 88 degrees 56', a distance of 1187.2 feet, thence Westerly, by an interior angle of 91 degrees 56', a distance of 757.2 feet, thence Southerly by an interior angle of 88 degrees 04', a distance of 40.5 feet, thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 330 feet to the East line of Pavey's Subdivision to Fort Wayne, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence Southerly along the East line of said Pavey's Subdivision, a distance of 195.5 feet to the Northeast corner of Lot #15 of said Pavey's Subdivision, said point also being the Northeast corner of Lot #14 of Breconshire, Section 1, being a Subdivision of part of the West Half of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County Indiana appearing in Plat Record Book 43 Page 43 of the Office of the Recorder of Allen County, Indiana, thence Westerly on and along the North line of Lot #15 of said Pavey's Subdivision, also being the North line of said Breconshire, Section 1, a distance of 1077.2 feet to a point 40.0 feet East of the West line of said Quarter Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road, a distance of 391.3 feet to the Southwest corner of Lot #16 of said Pavey's Subdivision said point also being the Southwest corner of Lot #30 of said Breconshire, Section 1; thence Easterly on and along the South line of said Lot #16 of Pavey's Subdivision, also being the South line of said plat of Breconshire, Sectional, a distance of 1075.3 feet to the Southeast corner of Lot #16 of said Pavey's Subdivision, said point also being the Southeast corner of Lot #17 of said plat of Breconshire, Section 1; thence Southerly along the East line of Lot #17 of said Pavey's Subdivision a distance of 195.8 feet to the Southeast corner of said Lot #17; thence Westerly along the South line of said Lot #17, a distance of 844.2 feet to a point, thence Southerly by an interior angle of 91 degrees 13', a distance of 162.75 feet, thence Westerly on a line parallel to the South line of said Quarter Section, a distance of 227.6 feet to a point situated 40.0 feet East of the West line of said Quarter

Section, said point being on the East right-of-way line of Getz Road; thence Southerly on and along the East right-of-way of Getz Road a distance of 212.75 feet to the point of beginning; containing 47.56 acres more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Breconshire annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of non-capital services to the annexation area.
2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.
3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.
4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Breconshire annexation ordinance.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

V. Schmidt

Date: 2-12-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-15-80 on the 12th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman John Nuckols
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 19th day of February, 1980, at the hour of 8:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of February, 1980 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively, and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne,
Indiana, this 19th day of February, 1980.

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 26th day of
February, 1980.

ATTEST:

(SEAL)

CITY CLERK

PRESIDING OFFICER